

REMARKS

The Applicants respectfully request further examination and consideration in view of the arguments set forth fully below. Within the Office Action, Claims 1-15 were rejected. In this response, the Applicants have added new Independent Claims 16 and 17. Currently, Claims 1-17 are pending in this application.

Rejections Under 35 U.S.C. § 102(b)

Claims 5, 6 and 8

Within the Office Action, Claims 5, 6 and 8 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,754,528 to Lyons (hereinafter "Lyons"). In addition, Claims 12, 13 and 15 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,632,069 to Mievis (hereinafter "Mievis"). Claims 12, 13 and 15 have also been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,161,259 to Rabenecker (hereinafter "Rabenecker").

Regarding Lyons, it is stated within the Office Action that Lyons anticipates Claim 5 by teaching a clip structure 25 for a hand held object 30 including a clip with a first segment having a protrusion 18 at its distal end facing toward the object 30 and a second segment 19 bent at a right angle to the first segment so that pressure applied to the second segment 19 opens the clip so as to release the object 30 from a belt. Applicants respectfully traverse.

Lyons teaches a locking apparatus which secures a portable object 30 such as a tape measure to a belt. The locking apparatus in Lyons consists of a plate 25 bent over at one end to form a lip 18 near the bottom of the object. The apparatus in Lyons also has an angled extension 19 and a "U" spring clip 26 mounted to the lateral face 17 of the object such that the lip 18 abuts the lateral face 17 while the angled extension 19 extends over the top 20. The apparatus in Lyons has a gap 28 within the spring clip 26 which is positioned between the plate 25 and the lateral face 17, whereby the spring clip 26 receives and encircles the belt. The apparatus in Lyons also has a gap 29 between the angled extension 19 and the top surface 20 of the object 30 to allow compression of the angled extension 19 with the heel of user's hand to remove the belt from the object 30.

In contrast to Lyons, amended Independent Claim 5 is directed to a clip for securing an object to an article worn by a person, the object having a surface positioned adjacent to the

person, the clip rotatably coupled with the surface and movable about the surface, the clip comprising: a first segment and a second segment and a bend through a predetermined angle between the first and second segments, wherein the first segment is positioned substantially adjacent to the surface and applying a force to the second segment causes the first segment to move away from the surface. As recognized in the Office Action, Lyons does not teach that the clip is rotatably coupled with the object. Instead, Lyons teaches that the legs of the spring clip 26 pull apart from one another when the angled extension 19 is pressed toward surface 20. This is shown in Figure 2 of Lyons. For at least these reasons, Lyons does not anticipate Independent Claim 5. Therefore, Claim 5 is allowable over Lyons.

Claim 6 are also rejected as being anticipated by Lyons. However Claim 6 is dependent on an allowable Independent Claim 5. As stated above, Claim 5 is in a condition for allowance. Accordingly, Claim 6 is also in a condition for allowance.

Amended Claim 8 is directed to a method for attaching an object to an article worn by a person comprising: providing an object having a surface positioned adjacent to the article; and coupling a clip with the object about a rotatable axis, the clip having a first segment and a second segment and a bend through a predetermined angle between the first and second segments, the first segment positioned substantially adjacent to the surface wherein pressing the second segment causes the first segment to move away from the surface. As stated above, it is recognized in the Office Action that Lyons does not teach a clip that is rotatably coupled with the surface of the object. Instead, Lyons utilizes a “U” shaped spring clip 26 of which each of the legs of the “U” shaped spring clip 26 pull apart from one another as the angled extension 19 is pressed toward the surface 20. This is shown in Figure 2 of Lyons. For at least these reasons, Lyons does not anticipate Independent Claim 8 and Claim 8 is, therefore, allowable over Lyons.

Claim 12, 13 and 15

It is stated within the Office Action that Mievis anticipates Claims 12, 13 and 15 by teaching that is advantageous to use anti-skid adaptor 8 on the belt clip 4 to maintain the clip in position. The Applicants respectfully disagree.

Mievis teaches a garment support device for holding up a pair of pants by attaching the pants to a shirt. The attachment device in Mievis is designed to attach a first item of clothing to a second item of clothing. The device includes a base piece 3 and a clip 4 at one end. The clip 4 has one leg being secured to the base piece 3, wherein the mobile leg 6 of the clip 4 and the base piece 3 has anti-skid parts 7 and 8 for keeping the belt from disengaging from the attachment

device. Mievis teaches that the anti-skid parts 7 and 8 are separate wherein the part 7 forms a square toothed cup which is complementary to part 8. Mievis also teaches that the parts 7 and 8 together form a single toothed strip folded in two.

In contrast to Mievis, one aspect of the present invention is to an adapter which provides a flat surface to the clip, whereby the anti skid part is coupled to a segment of the clip and allows an article of clothing to be placed between the adapter and a surface belonging to an object to which the clip is coupled. Mievis does not teach that the adapter is positioned between the segment to which it is coupled and the surface of the object. Instead, Mievis teaches two anti-skid parts 7 and 8 being engagable with one another, wherein part 7 engages and receives part 8. In fact, Mievis teaches away from the invention claimed in Claim 12, since the article of clothing in Mievis would not be secured but for the anti-skid part 7 pressing the article against the anti-skid part 8 as shown in Figure 2.

Claim 12 recites an adapter for providing a flat surface to a clip, wherein the clip is coupled to an object and having a segment which secures the object to an article worn by a person, the object having a surface adapted to be worn adjacent to the person, the adapter coupled to the segment and positioned between the segment and the surface of the object, wherein the adapter has an adapter length. As stated above, Mievis does not teach that the adapter is coupled to the segment and positioned between the segment and the surface of the object. In fact, Mievis teaches away from the invention claimed in Claim 12, since the article of clothing would not be secured but for the anti-skid part 7 pressing the article against the anti-skid part 8. For at least these reasons, Mievis does not anticipate Independent Claim 12.

Claims 13 and 15 are also rejected as being anticipated by Mievis. However Claims 13 and 15 are dependent on an allowable Independent Claim 12. As stated above, Claim 12 is in a condition for allowance. Accordingly, Claims 13 and 15 are also in a condition for allowance.

It is stated within the Office Action that Rabenecker anticipates Claims 12, 13 and 15 by teaching that is advantageous to use foam rubber inserts 13, 14 which can be removed to allow the clip to be used without them. The Applicants respectfully disagree.

Rabenecker teaches a measuring instrument with a holder 1. Rabenecker also teaches two cutouts 13 and 14 which are made of foam rubber, whereby the cutouts 13, 14 are used to increase the frictional force on smooth fabrics and are also removable. However, Rabenecker does not teach an adapter which provides a flat surface to a clip. Instead, Rabenecker teaches that the cutouts 13, 14 are small, round and bump-like, as shown in Figure 1.

Claim 12 recites an adapter for providing a flat surface to a clip, wherein the clip is coupled to an object and having a segment which secures the object to an article worn by a person, the object having a surface adapted to be worn adjacent to the person, the adapter coupled to the segment and positioned between the segment and the surface of the object, wherein the adapter has an adapter length. As stated above, Rabenecker does not teach an adapter which provides a flat surface to a clip. Instead, Rabenecker teaches that the cutouts 13, 14 are small, round and bump-like. Therefore, the cutouts 13, 14 taught in Rabenecker do not provide a flat surface as claimed in Independent Claim 12. For at least these reasons, Rabenecker does not anticipate Independent Claim 12, and Claim 12 is therefore allowable.

Claims 13 and 15 are also rejected as being anticipated by Rabenecker. However, Claims 13 and 15 are dependent on an allowable Independent Claim 12. As stated above, Claim 12 is in a condition for allowance. Accordingly, Claims 13 and 15 are also in a condition for allowance.

Rejection Under 35 U.S.C. § 103(a)

Claims 1-4

Within the Office Action, Claims 1 and 2 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lyons in view of U.S. Patent No. 4,580,347 to McKnight (hereinafter "McKnight"). In addition, Claims 3 and 4 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lyons in view of McKnight and further in view of Mievis and Japanese Patent 11-40952 (hereinafter "Japan").

Concerning Claims 1 and 2, it is stated in the Office Action that Lyons teaches a clip structure 25 for a hand held object 30 including a clip. However, it is recognized in the Office Action that Lyons does not teach that the clip is rotatably coupled with the object. McKnight teaches a clip structure having a spring loaded hinge member to secure the clip to the base, wherein there is a second bent segment extending at right angles to the first segment so as to more easily open the clip and release the belt. It is reasoned within the Office Action that it would have been obvious to modify the clip in Lyons so that the clip is rotatably coupled, as in McKnight, to reach the present invention. The Applicants respectfully traverse.

As stated above, Lyons teaches a locking apparatus which consists of a plate 25 bent over at one end to form a lip 18 near the bottom of the object 17. The apparatus in Lyons also has an angled extension 19 and a "U" spring clip 26 mounted to the lateral face 17 of the object 30 such that the lip 18 abuts the lateral face 17 while the angled extension 20 extends over the top of the

object 30. The apparatus in Lyons has a gap 28 within the spring clip 26 which is positioned between the plate 25 and the lateral face 17, wherein the gap 28 receives and encircles the belt. Lyons also teaches that the first gap 28 between the plate 25 and the lateral face 17 is wide enough to accommodate the wearer's belt. The belt in Lyons passes through the gap with the spring clip 26 passing over the top of the belt and the lip 18 passing underneath the belt, thereby fully encircling the belt. Lyons also teaches that the spring clip 26 is positioned near the bottom surface 31 of the object in Figure 2. This configuration restrains the belt between the gap 28 and the lip 18 and provides a longer moment arm such that less force is needed to actuate the clip.

McKnight teaches an attachment means 44 which comprises a base plate 45 permanently adhering to wall 12. On the upper end portion of the base plate 45, there is a hinging means 46 positioned near the upper surface of the object. The hinging means 46 couples a flexing arm member 48 to the base plate 45, wherein the flexing arm member 48 flexes towards and away from the base plate 45 when actuated. The arm member 48 further comprises a plurality of teeth 52 which engage the belt when the belt is placed between the base plate 45 and flexing arm member 48. When pressure is placed upon the upper plate member 54, the arm member 48 moves away from the base plate 45 thereby allowing engagement and disengagement of the attachment means 44 from the belt.

There is no motivation for one skilled in the art to combine the teachings of Lyons with McKnight to reach the present invention as claimed in Claim 1. Lyons teaches using a "U" shaped spring 26 that is attached to the object near the object's bottom surface. McKnight teaches using a hinging means near the upper portion of the object and base plate, whereby the hinging means is engaged with the flexing arm member. Thus, Lyons and McKnight actually teach away from each other, because the point about which the clip pivots in Lyons is at the opposite end of the object than the clip in McKnight. In other words, to reach the present invention, one skilled in the art could not use the teachings from Lyons to attach the "U" shaped spring to the upper portion of the object such that the "U" shaped spring would operate like the hinging means from McKnight.

In addition, such a configuration using teeth, as in McKnight, to secure the object to the belt cannot be used with the clip taught in Lyons. This is because Lyons teaches that the belt is encircled by the spring clip 26, whereas McKnight teaches that the belt is secured between the teeth of the flexing arm member 48 and the corresponding teeth of the base plate 45. Thus, one skilled in the art would not have motivation to combine a spring clip which encircles the belt and a clip which uses teeth to secure the belt to a base plate to reach the present invention. For at

least these reasons, there is no hint, suggestion or motivation to combine Lyons with McKnight, individually or in combination, to reach the present invention claimed in Independent Claim 1.

Claims 2-4 have also rejected as being unpatentable by the above cited references. However Claims 2-4 are dependent on an allowable Independent Claim 1. As stated above, Claim 1 is in a condition for allowance. Accordingly, Claims 2-4 are also in a condition for allowance.

Claim 7

Within the Office Action, Claim 7 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lyons in view of Mievis or Japanese Patent 11-40952. The Applicants respectfully traverse. Claim 7 is dependent on an allowable Independent Claim 5. As stated above, amended Claim 5 is in a condition for allowance. Accordingly, Claim 7 is also in a condition for allowance.

Claims 9-11

Within the Office Action, Claims 9-11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lyons in view of Japan. Specifically, it is stated within the Office Action that it would have been obvious to modify the teachings in Lyons in light of Japan, because Japan provides evidence of the desirability to secure a clip to an electronic device to mount the electronic device to the waist. The Applicants respectfully traverse.

As stated above, it is recognized in the Office Action that Lyons does not teach a clip wherein pressing the second segment toward the second surface rotates the first segment away from the first surface. In addition, Lyons teaches a “U” shaped clip 26 that is attached near the bottom surface 31 of the object. Thus, the pivoting point about which the clip in Lyons moves is near the bottom of the object. However, Japan teaches an electronic device which has a clip that is rotatably coupled to the upper portion of the device. Thus, Japan teaches away from Lyons in that the clip taught in Japan is attached near the object’s upper surface, whereas the clip in Lyons is attached near the bottom surface 31 of the object. Accordingly, there is no hint, suggestion or teaching in either Lyons or Japan to combine these two references to reach the present invention claimed in Independent Claim 9.

Independent Claim 9 recites an electronic device having a first surface positioned adjacent to an article worn by a person and a second surface substantially perpendicular to the first surface, the electronic device comprising: a clip having a first segment positioned adjacent

to the first surface and a second segment configured at a predetermined angle with respect to the first segment, wherein pressing the second segment toward the second surface rotates the first segment away from the first surface. As stated above, Japan teaches away from Lyons in that the clip taught in Japan is attached near the object's upper surface, whereas the clip in Lyons is attached near the bottom surface 31 of the object. Therefore, due to the difference in where the clip is positioned between Lyons and Japan, the "U" shaped spring clip 26 in Lyons would not properly operate with the configuration taught in Japan. For at least these reasons, one skilled in the art would have no motivation to use the teachings of Lyons and Lyons, individually or in combination, to reach the present invention claimed in Independent Claim 9. Therefore, Independent Claim 9 is allowable over Lyons and Japan.

Claims 10 and 11 are dependent on an allowable Independent Claim 9. As stated above, Claim 9 is in a condition for allowance. Accordingly, Claims 10 and 11 are also in a condition for allowance.

New Claims

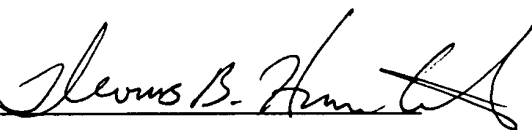
By the above amendment, the Applicants have added new Independent Claims 16 and 17. New Independent Claim 16 recites a clip for securing an object to an article worn by a person, wherein the object having a surface positioned adjacent to the article, the clip comprising: a first segment and a second segment and a bend through a predetermined angle between the first and second segments, the clip being rotatably coupled to the object at a position proximal to the second segment, wherein the first segment is positioned substantially adjacent to the surface whereby applying a force to the second segment causes the first segment to move away from the surface.

New Independent Claim 17 recites a clip for securing an object to an article worn by a person, the object having a surface positioned adjacent to the article, the clip comprising: a first segment and a second segment and a bend through a predetermined angle therebetween wherein the article is positioned between the first segment and the surface, the clip being rotatably coupled to the object at a position proximal to the second segment, wherein the first segment is positioned substantially adjacent to the surface whereby applying a force to the second segment causes the first segment to move away from the surface. For the same reasons stated above in view of Lyons, Mievis, McKnight and Japan, the new Independent Claims 16 and 17 are allowable over these references, individually and in combination. For at least these reasons, Claims 16 and 17 are in a condition for allowance.

For the reasons given above, Applicant respectfully submit that the Claims 1-17 are in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, the Examiner is encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: 5-10-02

By: 

Thomas B. Haverstock
Reg. No.: 32,571
Attorneys for Applicants

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HAVERSTOCK & OWENS LLP

Date: 5-10-02 By: 